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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,821	10/31/2001	Scott Patrick Campbell	08305/110001/PBIT-0141.00	4707

7590 08/27/2003

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[REDACTED] EXAMINER

CRUZ, LOURDES C

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2827

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/003,821	CAMPBELL, SCOTT PATRICK
	<b>Examiner</b>	<b>Art Unit</b>
	Lourdes C. Cruz	2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on An Amendment filed March 04 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Disposition of Claims

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 04 March 2003 is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

All figures showing a cross-sectional view of the invention are improperly crosshatched. All of the cross hatching patterns should be selected from those shown on page 600-81 of the MPEP based on the material of the part. Also see 35 CFR 184 (h)(3) and MPEP 608.02.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

See that Applicant has amended the claim to substitute "of a type which is" for "said metal contact being". Which metal contact? Is there more than one? If so, is it the one on the claimed outer perimeter? Is it the one on the downward facing surface? Not only does the newly added phrase reciting "the" metal contact lack antecedent basis, but also some further distinction needs to be made between the metal contacts, if there is more than one. For the purpose of the examination of claim 13, the examiner assumes there only exists one metal contact portion.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US 6475824).

Kim discloses (See cover figure):

A package for a rectangular integrated circuit comprising a frame type package (Comprised by 10,12,21,100,20b...) having a top portion and a bottom portion which defines at least one indented area where a thickness between the top portion and the bottom portion is thinner than in a non indented area, said indented area sized to accept a rectangular IC 14 under a thinned portion of the indented area, and said frame type package including a metal contact portion 17, extending along at least said bottom portion and said indented area, and adapted to connect to said rectangular IC around and edge thereof. Kim also discloses:

- A connection portion 16, adapted for soldering to said IC

- Said IC including an image sensor (X-ray detector), and a central portion of said frame defines a portion where image light can enter said image sensor
- A clear element 24 which allows sealing said IC relative to an environment of said package
- Element 24 includes a lid portion on top of the IC and a back portion on a rear of the die
- Said indented area includes two separate sized indented areas, one sized to received said die, and another (see aperture between 23 and 10) sized to receive the backing portion
- Element 20a which protects said sealing element against damage including an extending part which extends above a **top** of said sealing element, in as much as a top surface has been defined relative any other structure in the claims
- Surfaces adapted to accept a lens, said surfaces including threads formed (left of the IC) by irregular surface that makes exposure of 18 and step from 18 to 23
- Element 22 seals an inside of said package as compared to an outside
- Element sealing is transparent

See that Kim also discloses the present invention as claimed in claim 13, for Kim discloses a package for an integrated circuit comprising a packaging portion (Comprised by 10,12,21,100,20b...) with a metal contact portion 13 thereon. See that inner/outer perimeters are inherent and that since the claim fails to define these perimeters relative a specific structural feature, these perimeters can read on any surface of any structure in Kim.

***Response to Arguments***

Applicant's arguments filed 03/04/2003 have been fully considered but they are not persuasive. Applicant arguments have brought up the question of the existence of a lens in the invention. See page 3 of the Remarks/Arguments wherein Applicant states that no lens is claimed, that a surface adapted to receive a lens is. Nevertheless, all of Applicants arguments were considered.

Applicant argues that Kim does not disclose the invention as claimed. Before addressing any other argument, the examiner will like to point out that the sole definite and clear independent claim in the Application recites "a frame **type** package". See that although Applicant argues that Kim does not disclose the claimed invention, the independent claim 1 recites the word "type". This makes the claim structure broad and the claim does not necessarily exclusively recite "a frame package", but a "frame type package".

With that said the examiner states that Kim clearly recites "a frame type package", having a top portion, and a bottom portion (see that a top and a bottom are inherent surfaces that do not have to be specifically labeled by the prior art) which

defines at least one indented area (see that more than one indentation is formed between 10 and 20, and that there are other indentations such as those in the cavity wherein the chip is disposed).

Regarding arguments about the previous rejection of Claim 13, they are moot due to the new grounds of rejection (see new 112 above and the art rejection based on the best interpretation by the examiner). Also see that the new rejections were necessitated by the amendments made.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elle Cruz whose telephone number is 703-306-5691. The examiner can normally be reached on M-F 10-6:30.

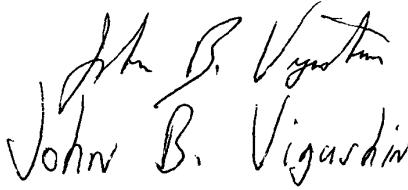
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Lourdes C. Cruz  
Examiner  
Art Unit 2827



Elle Cruz  
August 12, 2003

  
John B. Vigardin  
Primary Examiner  
Art Unit 2827